

FACSIMILE TRANSMITTAL FORM	Application Number	10/809135
	Filing Date	March 25, 2004
	First Named Inventor	Lee, Tzu-Chen
	Art Unit	2811
	Examiner Name	VU, Hung K.
Fax: 571-273-8300	Attorney Docket Number	58994US002
Total Number of Pages in This Submission: 3		
Date: OCTOBER 4, 2005	Attorney for Applicant: Kent S. Kokko	

ENCLOSURES (check all that apply)		
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Patent
Case No.: 58994US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: LEE, TZU-CHEN

Application No.: 10/809135

Group Art Unit: 2811

Filed: March 25, 2004

Examiner: VU, Hung K.

Title: ORGANIC SCHOTTKY DIODE

RESPONSE TO RESTRICTION REQUIREMENT-ELECTION OF SPECIESMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

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OCT - 4 2005

Date

Hyllis H. Froelke
Signed by: Hyllis H. Froelke

Dear Sir:

This is in response to an Office Action mailed on September 8, 2005, in which two species of the claimed invention were identified, and Applicant was required to elect a single disclosed species for prosecution on the merits. With this response, Applicant elects, with traverse, to pursue embodiment 2. Claims 1-18 read on embodiment 2. Claims 1-8 are generic to both embodiment 1 and embodiment 2.

Applicant disagrees, however, that the application discloses separate and distinct inventions requiring election therebetween and respectfully requests reconsideration of the restriction requirement. The invention is an organic Schottky diode. A diode is an electronic device that includes a rectifying contact and an ohmic contact. The application contains three independent claims: claim 1 claims a diode including four layers; claim 9 claims the same four layers as claim 1, but built upon a substrate; and claim 19 claims the same four layers as claim 1, but built upon a substrate in the opposite order as in claim 9. The two alleged embodiments identified in the restriction requirement were: embodiment 1, which has the ohmic contact of the

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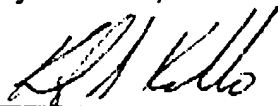
diode in contact with the substrate and embodiment 2, which has the rectifying contact of the diode in contact with the substrate. However, claim 1 does not include a substrate. Therefore, it is not included in either embodiment identified in the Office Action, and it is broader than any embodiment identified in the Office Action.

The Examiner stated that there is no generic claim in the application. However, this is incorrect because claim 1 is clearly a generic claim. While 35 U.S.C. § 121 provides that restriction may be required to one of two or more independent and distinct inventions, 35 C.F.R. § 1.141 provides that a reasonable number of species may still be claimed in one application. See M.P.E.P. 801.04(a). 37 C.F.R. 1.141 allows that a reasonable number of species may be specifically claimed in different claims "provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim." In the present application, claim 1 is a generic claim. Claims 9-18 and claims 19-27 include all of the limitations of generic claim 1. Therefore, pursuant to 37 C.F.R. § 1.141, Applicant is allowed to claim the two species of claims 9-18 and claims 19-27 in addition to generic claim 1.

For all of the foregoing reasons, Applicant believes that the restriction requirement should be withdrawn. Reconsideration and notice to that effect is respectfully requested.

Respectfully submitted,

October 4, 2005
Date

By: 
Kent S. Kokko, Reg. No.: 33,931
Telephone No.: 651-733-3597

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833